

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT WINCHESTER**

UNITED STATES OF AMERICA	)	Case No. 4:23-cr-15
	)	
v.	)	Judge Atchley
	)	
RAFAEL OJEDA	)	Magistrate Judge Dumitru
	)	

**ORDER**

Magistrate Judge Mike Dumitru filed a report and recommendation recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea as to Count One of the four-count Indictment; (2) accept Defendant's guilty plea to the lesser included offense of the charge in Count One of the Indictment, that is, conspiracy to distribute 5 grams or more of methamphetamine (actual), in violation of 21 U.S.C. §§ 846, 841(a)(1), 841(b)(1)(B) (the "Lesser Included Offense"); (3) adjudicate Defendant guilty of the Lesser Included Offense; (4) defer a decision on whether to accept the amended plea agreement [Doc. 60] until sentencing; and (5) order that Defendant remain in custody until sentencing in this matter [Doc. 65]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Dumitru's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the Magistrate Judge's report and recommendation [Doc. 65] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea to Count One of the four-count Indictment is **GRANTED**;
2. Defendant's plea of guilty to the Lesser Included Offense is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of the Lesser Included Offense;

4. A decision on whether to accept the amended plea agreement is **DEFERRED** until sentencing; and
5. Defendant **SHALL REMAIN** in custody until sentencing in this matter, which is scheduled to take place on **September 25, 2025, at 10:00 a.m. ET** before the undersigned.

**SO ORDERED.**

*/s/ Charles E. Atchley, Jr.* \_\_\_\_\_

**CHARLES E. ATCHLEY, JR.**

**UNITED STATES DISTRICT JUDGE**